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E-FILED on 4/3/07

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARTIN LUTHER OREN, et al.,

No. C-05-05100 RMW

Plaintiffs,

v.

COUNTY OF SANTA CLARA, et al.,

ORDER GRANTING IN PART AND
DENYING IN PART PLAINTIFFS' MOTION
FOR ORDER SHORTENING TIME;
CONTINUING PRETRIAL DATE
[Re Docket No. 67]

Defendants.

Plaintiffs have moved for an order shortening time to hear a motion for leave to file a fourth amended complaint to name nurse Hillary Dwyer as a defendant. In the alternative, they ask the court to decide their motion for leave to amend the complaint *ex parte*, without opposition by defendants. Defendants oppose plaintiffs' motion for order shortening time, noting that they intend to vigorously oppose plaintiffs' motion to amend.

The court agrees that defendants should be given the opportunity to oppose. Because the pretrial conference in this case is imminent, the court will hear plaintiffs' motion for leave to amend at the pretrial conference. But to give defendants an opportunity to prepare an opposition, the court will continue the date for the pretrial conference to April 27, 2007.

ORDER GRANTING IN PART AND DENYING IN PART PLAINTIFFS' MOTION FOR ORDER SHORTENING TIME;
CONTINUING PRETRIAL DATE—No. C-05-05100 RMW
MAG

1 Accordingly, the briefing and hearing schedule shall be as follows:

- 2 1. The pretrial conference currently set for Thursday, April 12, 2007 at 2 p.m. shall be
3 continued to Thursday, April 26, 2007 at 2 p.m. However, the parties pretrial filings
4 are due on the current pretrial conference schedule. For example, oppositions to the
5 parties' numerous motions in limine shall be filed as if the pretrial conference were
6 still set for April 12, 2007.
- 7 2. Defendants' opposition to plaintiffs' motion to amend shall be filed no later than
8 Tuesday, April 17, 2007.
- 9 3. No reply shall be filed.
- 10 4. The court will hear plaintiffs' motion for leave to amend at the pretrial conference on
11 Thursday, April 26, 2007.
- 12 5. The trial shall remain as currently scheduled on May 7, 2007, unless further notice is
13 received by the parties from the court.

14
15 DATED: 4/3/07

Ronald M Whyte
RONALD M. WHYTE
United States District Judge

1 **Notice of this document has been electronically sent to:**

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10 Counsel are responsible for distributing copies of this document to co-counsel that have not
registered for e-filing under the court's CM/ECF program.

13 **Dated:** 4/3/07

14 /s/ MAG
Chambers of Judge Whyte